Discussion of Co-Pending Applications

In the Office Action, the Examiner requested that the co-pending applications which have been incorporated by reference be indicated if they are of particular importance to the instant application. Applicant respectfully submits that the co-pending applications cited in the Related Applications section of the patent application are important to the instant application.

Discussion of the Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a) over Barrett

Claims 1-7, 10-12, 14-18, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,311,451 to Barrett. Claims 8, 9, 13, and 19 were rejected under 35 U.S.C. § 103(a) as also being unpatentable over Barrett. However, Applicant respectfully disagrees with this rejection, and respectfully submits that the cited reference does not teach the claims of the invention, as amended.

In rejecting Claims 1, 2 and 20, the Examiner took the position that "Barrett teaches the use of a reconfigurable controller and monitor comprising: a method of mapping resources to memory (abs., and col. 2, lines 35 et seq.), a microcontroller network (Fig. 1), a central computer (25), a information pathway (23), sensors (19), buffering messages (col. 3, lines 20 et seq.), a client computer (col. 1, lines 63 et seq., col. 2, lines 10 et seq.), a variable speed fan (col. 6, lines 19 et seq.), a temperature sensor 19, a display (27), checking voltage (col. 13, lines 15 et seq[.]), and executing commands (col. 1, lines 48 et seq., and col. 3, lines 23 et seq.)."

However, Applicant respectfully submits that Claim 1 as amended recites the element of "executing commands on the microcontroller network which manage and diagnose system functions *of the computer*" (emphasis added). Claim 2 as amended recites the element of "connecting a plurality of sensors to the microcontroller network, *the sensors monitoring one or more environmental conditions of the computer*" (emphasis added). Furthermore, Claim 20 recites the limitation of "creating a request message which identifies one or more *environmental conditions of the computerized environment*" (emphasis added).

In contrast, Applicant respectfully submits that Barrett is directed to a computer system for monitoring air duct baffles (316) which are located external to a personal computer (25). In Barrett, the personal computer (25) is connected to a plurality of controllers (13) via a data concentrator (23). However, as can be seen by a visual inspection of Figure 1, the data concentrator (23) and the controllers (13) are external to the computer and are used to monitor

remotely located baffles (316). Applicant respectfully submits that Barrett does not monitor the environmental conditions of the computer (25). Accordingly, Applicant submits that Barrett does not teach or suggest the claims as amended.

Discussion of Dependent Claims

Since Claims 3-7, 10-12, and 14-18 are dependent on respectively one of independent Claims 1 and 2, and Claim 21 is dependent on independent Claim 20, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claims to which they refer. Therefore, Applicant respectfully submits that the rejections of the dependent Claims 3-7, 10-12, 14-18, and 21 have also been overcome.

Therefore, in view of the above, it is submitted that Claims 1-7, 10-12, 14-18, and 20 -21 are distinguished from the cited art and are patentable.

Discussion of Claim Rejections under 35 U.S.C. § 103(a) over Tavallaei

Claims 1, 2 and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Travallaei. Applicant submits a *Declaration under 37 C.F.R. § 131 to Overcome Tavallaei* by, Karl S. Johnson, Ken Nguyen, Walter Wallach, and Carlton G. Amadahl. Karl S. Johnson, Ken Nguyen, Walter Wallach, and Carlton G. Amadahl are the joint inventors of Claims 1-21.

The *Declaration* includes facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued (37 C.F.R. § 1.131(a)(1) and M.P.E.P. § 715). The showing of facts are such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application (37 C.F.R. § 1.131(b) and M.P.E.P. § 715).

The limitations recited in Claim 1, 2, and 20 were conceived at least by November 12, 1996. Due diligence in reducing the invention to practice was made either actually, or constructively until at least May 13, 1997 when the United States Provisional Patent Application No. 60/046,397 was filed, which is a priority application to the present application. Since Tavallaei was filed on December 31, 1996, Applicant submits that Tavallaei is removed from use as a reference for at least such claim limitations. Since Claims 8-9, 13, 19, and 21 are dependent on independent Claims 1, 2, and 20, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by

reference all the limitations of the claim to which they refer. Therefore, the rejection of the dependent Claims 8-9, 13, 19, and 21 has also been overcome.

Therefore, in view of the above, it is submitted that Claims 1-21 are clearly distinguished from the cited art and are patentable.

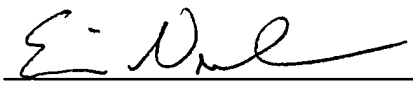
Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-21 of the above-identified application are in condition for allowance. However, if the Examiner finds any further impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/17/2000

By: 

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